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AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DEPUTY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

JOEL HODGELL,

Plaintiff,

vs.

YVES ROCHER NORTH AMERICA INC.

(a Canadian Corporation),

YVES ROCHER INC. (a Canadian Corporation),

YVES ROCHERUSA.COM

and JOHN DOES 1-2

Defendants.

NO.

C05-2035 752

NOTICE OF REMOVAL



05-CV-02035-CMP

TO: CLERK OF THE COURT

Defendants Yves Rocher North America Inc., Yves Rocher Inc., and Yves Rocherusa.Com ("Defendants"), by and through undersigned counsel, for the purpose of removing this case pursuant to 28 U.S.C. § 1441, respectfully submit this Notice of Removal pursuant to 28 U.S.C. § 1446. Defendants respectfully submit the following statement of the grounds for removal together with a copy of all processes, pleadings and other papers in this action:

ORIGINAL

NOTICE OF REMOVAL -1

NEWMAN & NEWMAN, ATTORNEYS AT LAW, LLP  
505 Fifth Avenue South, Suite 610  
Seattle, Washington 98104  
(206) 274-2800 phone  
(206) 274-2801 fax

082081 No 11550

1           1.     State Court Action. Upon information and belief, on or about November 7, 2005,  
2 Plaintiff Joel Hodgell ("Plaintiff"), filed suit for money damages in the Superior Court of the  
3 State of Washington in and for the County of King in the matter proceeding as Civil Case No.:  
4 05-2-35819-0. Copies of all process, pleadings, and papers in this action, consisting of the  
5 Summons and Complaint are attached hereto as Exhibit A.

7           2.     Diversity Jurisdiction. The action described herein is one in which this Court has  
8 diversity jurisdiction under the provisions of 28 U.S.C. § 1332 in that it is a civil action where  
9 the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs,  
10 and is between citizens of different States. Plaintiff seeks money damages in excess of  
11 \$100,000.00, Plaintiff is an individual purporting to reside in the State of Washington, and  
12 Defendants are Canadian corporations with their principal place of business at 2199, boulevard  
13 Fernand-LaFontaine, Longueil, QC J4G 2V7.

15           3.     Timely Removal. This Notice is timely under 28 U.S.C. § 1446(b), as having  
16 been filed within thirty days after the receipt by the Defendants, through service or otherwise, of  
17 a copy of the initial pleading. Accordingly, removal to this Court is appropriate and proper  
18 pursuant to 28 U.S.C. §§ 1441 and 1446.

20           4.     Notice to Plaintiff in State Court. Promptly upon filing this Notice of Removal  
21 with this Court, Defendants shall give written notice hereof to Plaintiff by service to its counsel  
22 and shall file and serve on the Clerk of the Superior Court of the State of Washington in and for  
23 the County of King, a copy of this notice. The aforesaid written notice will be in the form  
24 attached hereto as Exhibit B.

26           5.     Notice. Defendant respectfully gives notice that this action is to be removed from  
27  
28

1 the Superior Court of the State of Washington in and for the County of King, to the United States  
2 District Court for the Western District of Washington at Seattle. Defendant does not waive any  
3 defense which may be available to it, specifically including, but not limited to, insufficiency of  
4 process, insufficiency of service of process, improper venue, or lack of personal or subject matter  
5 jurisdiction.  
6

7 WHEREFORE, Defendant hereby removes this action now pending in the Superior Court  
8 of the State of Washington in and for the County of King, to this Court.  
9

10  
11 DATED this 7<sup>th</sup> day of December, 2005.

12 **NEWMAN & NEWMAN,**  
13 **ATTORNEYS AT LAW, LLP**

14  
15 By: 

16 Derck A. Newman, WSBA No. 26967  
17 Roger M. Townsend, WSBA No. 25525  
18 505 Fifth Avenue South, Suite 610  
19 Seattle, Washington 98104  
20 (206) 274-2800 Phone  
21 (206) 274-2801 Fax

22 James David Jacobs (Pro Hac Vice Pending)  
23 Todd S. Sharrin  
24 Baker & McKenzie LLP  
25 805 Third Avenue  
26 New York, New York 10022  
27 (212) 751-5700 Phone  
28 (212) 310-1651 Fax

Attorneys for Defendants  
YVES ROCHER NORTHER AMERICA INC.  
YVES ROCHER INC.  
YVES ROCHERUSA.COM

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 7<sup>th</sup> day of December, 2005, I caused the foregoing **NOTICE OF REMOVAL AND CERTIFICATE OF SERVICE** to be served via the methods listed below on the following parties:

**Via Legal Messenger to:**

Robert J. Siegel, Esq.  
Merkle Siegel & Friedrichsen, P.C.  
1325 Fourth Avenue, Suite 940  
Seattle, WA 98101

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct and that this declaration was executed on December 7<sup>th</sup>, 2005 at Seattle, Washington.

Diana Au  
Diana Au